

EWITTEN TESTIMONY OF**SCOTT GUIDES****DEPUTY UNDER SECRETARY FOR OCEANS AND ATMOSPHERE****NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION****U.S. DEPARTMENT OF COMMERCE****BEFORE THE****HOUSE SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS****HOUSE RESOURCES COMMITTEE****October 3, 2002****I. INTRODUCTION**

Thank you, Mr. Chairman and Members of the Subcommittee, for this opportunity to appear before you to testify on Coastal America and the transfer of National Oceanic and Atmospheric Administration (NOAA) property to the Board of Trustees of the California State University. I will speak first to the specific questions regarding Coastal America outlined in your letter of invitation to this hearing.

As you know, the Coastal America Partnership was established to protect, preserve and restore our coastal watersheds by integrating Federal actions with State, local and tribal government and non-governmental efforts to address specific problems with coastal resources. NOAA, located within the Department of Commerce, serves as one of the 12 Federal partners in the Coastal America Partnership. This Partnership formalized by a Memorandum of Understanding, includes other Federal environmental /resource agencies with coastal stewardship responsibilities (Environmental Protection Agency and Department of the Interior), infrastructure agencies (Departments of Agriculture, Energy, Transportation, and Housing and Urban Development), the Military (Army, Navy, Air Force), the State Department and the Executive Office of the President. Our participation in Coastal America is one of a number of mechanisms and partnerships in which we work to restore habitat and fisheries, and improve estuarine areas.

Over the last decade, the Coastal America Partnership has implemented hundreds of projects including:

- **Wetland restoration** using dredged material, to restore habitats to their natural conditions;
- **Anadromous fish restoration** by removing derelict dams and installing fish ladders;
- **Endangered species protection** such as a Right whale-sighting alert system to eliminate ship strikes;
- **Erosion controls** on river banks and dune areas; and,
- **Non-point source pollution control programs** on farms to reduce nutrient runoff.

Coastal America uses several mechanisms to encourage collaboration between the government, non-governmental organizations and the private sector.

INTER-AGENCY PARTNERSHIPS: The Partnership strives to creatively combine the resources and expertise of the different partner agencies to accomplish shared objectives.

COASTAL ECOSYSTEM LEARNING CENTERS: The learning center network was established to raise public awareness of, and increase public involvement in, coastal restoration and protection efforts. To date, 15 marine education institutions and aquaria have been designated as Coastal Ecosystem Learning Centers of excellence. Through this network, the Partnership reaches 14 million people per year.

CORPORATE WETLANDS RESTORATION PARTNERSHIP: To involve the private sector more effectively, Coastal America established the voluntary national corporate partnership in 1999. Through this program, corporations join forces with federal and state agencies to restore wetlands and other aquatic habitat.

As part of my testimony today, I would like to submit to you a copy of the Coastal America report entitled "A Decade of Commitment to Protecting, Preserving and Restoring America's Coastal Heritage." This report highlights many of the accomplishments of the Partnership since its inception. It is available online at www.coastalamerica.gov

II. SPECIFIC COMMITTEE QUESTIONS REGARDING COASTAL AMERICA

In your letter of invitation to Vice Admiral Conrad C. Lautenbacher, Jr. USN (Ret) the NOAA Administrator, you requested that NOAA address the following specific questions:

Why after 8 years of accepting and expending funds from other Federal agencies for Coastal America activities has NOAA determined that it now needs additional statutory authority to accept and expend such funds?

NOAA has been concerned regarding interagency financing issues for Coastal America since the Partnership was established in 1994. An annual appropriations provision that applies to all Federal agencies (currently Pub. L. 107-67, § 610 (2001)) restricts Coastal America's ability to obtain contributions from partner agencies for Coastal America operations. Because of this restriction, NOAA was unable to obtain contributions for Coastal America activities from the partner agencies, even though those agencies indicated that fiscal year 2002 funds were available for such contributions. As a result for fiscal year 2003, NOAA requested for the White House Council on Environmental Quality (CEQ) to manage interagency contributions for Coastal America using CEQ's Management Fund authority, which provides specific authority for interagency financing. However, CEQ has indicated that NOAA should continue to pursue legislation to allow NOAA to manage Coastal America operations on a permanent basis.

The Coastal America program provides a model for interagency collaboration on environmental projects, and based on similar problems encountered by other NOAA programs, NOAA encourages the Subcommittee to consider the broader need for NOAA-wide authorities to facilitate the success of such collaborative efforts and initiatives.

What authorities does NOAA use to enter into cooperative agreements, contracts and grants to carry out the agency's programs? Are additional authorities necessary to effectively implement programs other than

Coastal America?

NOAA, because of its broad range of programs, does not have one single authority for entering into cooperative agreements, contracts, and grants to carry out the agency's programs. For example, the programs represented by just one NOAA line office, the National Ocean Service (NOS), rely on various provisions of the Coastal Zone Management Act, the National Marine Sanctuaries Act, and the Coast and Geodetic Survey Act, along with other statutes. In addition, NOS also uses the Economy Act and the Department of Commerce's authorities for joint projects and special studies.

Each of these authorities has its own special requirements. Some authorities allow NOAA to only enter into agreements with other Federal agencies while others allow NOAA to enter into agreements with Federal and State agencies. Other statutes allow a broad range of possible partners. These authorities also differ as to whether NOAA may transfer funds to the other party for services received or receive funds for services NOAA provides to the other party. Some are silent on the ability to transfer funds and therefore are interpreted to mean that only general collaborative agreements without funding requirements are permitted. Despite NOAA's many different programmatic authorities, there are from time to time projects within NOAA's mission that might not fit easily into the existing authorities for the purpose of transferring funds. This broad choice of authorities has led to some administrative problems and confusion within program offices.

You have asked if additional authorities are necessary to effectively implement programs other than Coastal America. NOAA believes that clarifying and updating NOAA's current authority to enter into cooperative agreements, contracts, grants, resource-sharing agreements, and joint and cooperative institutes with a single NOAA-wide authority for these purposes will enable NOAA to work efficiently with public and private partners and to keep pace with its evolving responsibilities.

How will Coastal America's environmental restoration activities be coordinated with the activities of the Estuary Habitat Restoration Council, the estuary habitat restoration strategy, and the estuary habitat projects authorized by the Estuary Habitat Restoration Act of 2000?

A major goal of the Estuary Restoration Act is to promote coordination of restoration activities among Federal agencies and with the private sector. The Estuary Habitat Restoration Council (composed of the Army, NOAA, Fish and Wildlife Service, Department of Agriculture, and the Environmental Protection Agency) has developed a national strategy for restoration of estuarine habitat. This strategy provides a framework for improving ongoing restoration activities and for planning future restoration that will maximize benefits for estuarine habitat on a national scale. Coastal America and the Estuary Habitat Restoration Council will coordinate closely on implementing the Estuary Habitat Restoration Act. For example, estuary restoration projects recommended by the Estuary Habitat Restoration Council that are also approved by the Coastal America Regional Implementation Teams will be eligible to participate in the Corporate Wetlands Restoration Partnership, through which they can obtain non-federal match. Coastal America can also help to obtain military assistance for qualified projects, through the Innovative Readiness Training Program and other programs. In addition, Coastal America's Coastal Ecosystem Learning Centers can educate the public about the value of estuaries and the need to restore them.

Most of the agencies that are members of the Estuary Habitat Restoration Council are also members of Coastal America. NOAA shares a common theme with Coastal America: apply a grass-roots approach to restoration by actively engaging communities in on-the-ground- restoration of fishery habitats around the nation. NOAA Fisheries' Community-based Restoration Program (CRP), administered through the

Restoration Center, actively supports NOAA's participation in Coastal America restoration activities. Additionally, NOAA staff from the Restoration Center and the National Ocean Service's Office of Response and Restoration, provide support for me, as the NOAA principal serving on the Estuary Habitat Restoration Council, as well as support for the estuary habitat restoration workgroup. This workgroup is responsible for overseeing the implementation of the Estuary Habitat Restoration Act of 2000. It was this workgroup that developed the restoration strategy as required by the Act. NOAA has provided substantial support for the Estuary Habitat Restoration Act as well as to Coastal America and its restoration activities. I anticipate that these strong ties between NOAA and Coastal America will continue, and I would recommend that we reinforce these interactions by providing specific opportunities for collaborative restoration projects, as defined in the estuary habitat restoration strategy, through NOAA's Restoration Center and the Office of Response and Restoration.

What are the cumulative number of acres restored by Coastal America projects since the program's inception? How much money has been spent on these projects and by which agencies?

Through the Coastal America Partnership, over 600 projects have been carried out in 26 states, 2 territories, and the District of Columbia. The partnership process has restored thousands of acres of aquatic habitats and opened several thousands of miles of riverine habitat for spawning fish. One of the problems in trying to develop summary metrics nationwide is that each agency tabulates its own data for their programs, using their own individual methodologies. At NOAA, we are working on developing a database to track the progress of the restoration projects funded under the Estuary Habitat Restoration Act. The database will initially include projects funded by NOAA programs and will then be populated with projects funded by other agencies. We expect to have an initial version of the database by May 2003. This database will serve to document nation-wide success in restoring estuarine habitats.

Specific Comments on the Draft Bill for Coastal America

In general, NOAA supports the provisions in this draft bill that would authorize the Secretary of Commerce to accept and expend funds from other Federal agencies to carry out activities of the Coastal America program along with authorizing appropriations for Coastal America administrative functions. NOAA offers one specific comment on this draft bill under Section 1(a) - Definitions. The term "Coastal America activities" refers to the Memorandum of Understanding (MOU) dated July 12, 1994. NOAA suggests that because the Coastal America partners are currently in the process of drafting a new MOU, this definition should include a reference in addition to the 1994 MOU that states, "any amendments or replacements thereto."

III. NOAA TIBURON LAND CONVEYANCE

NOAA appreciates the opportunity to comment on Representative Woolsey's draft legislation to authorize the transfer of the NOAA-owned Tiburon Laboratory in Tiburon, California to San Francisco State University. The Tiburon Lab has been used for research for nearly 40 years, but the facility no longer meets current and future research needs for the agency. In 2000, the Tiburon facility was vacated upon completion of NOAA's new laboratory located down the coast with the University of California Santa Cruz, although a minor portion of the property is still needed as a storage facility for NMFS research activities, NOAA intends to work with the Committee staff to better understand the implications of the proposed transfer and ensure that Federal assets are put to their best use in meeting the needs of NOAA and SFSU as it moves through the legislative process.

IV. CONCLUSION

Our Nation's coastal resources face a myriad of challenges such as habitat destruction, polluted runoff, and coastal hazards. Coastal America serves as a catalyst for interagency partnerships to address these challenges and mitigate their effects at the local, regional, and national level. The Coastal America Partnership is an excellent example of government and private sector collaboration and coordination, and one that could be reinforced by our Nation's leaders through this proposed legislation. NOAA appreciates the Subcommittee's interest in these issues and the opportunity to provide our thoughts on these pieces of draft legislation. We look forward to working with the Subcommittee as these bills are introduced.

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